



Substitute Senate Bill No. 1009

Public Act No. 09-177

AN ACT CONCERNING TECHNICAL CHANGES TO TITLE 29 TO INCORPORATE THE STATE FIRE PREVENTION CODE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-251a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

As used in this section, "program requirements" means any program or part of a program which is required by law. The Commissioner of Public Safety, in consultation with the Codes and Standards Committee, shall conduct a review of existing regulations of each state agency to determine whether any provision of such regulations conflicts with the State Building Code, [or] the State Fire Safety Code, the State Fire Prevention Code or any other fire safety regulation adopted under this chapter. The commissioner shall make recommendations to the department head of any state agency which has regulations that are in conflict with the State Building Code, [or] the State Fire Safety Code, the State Fire Prevention Code or any other fire safety regulation adopted under this chapter for the amendment of such regulations so they no longer are in conflict with said codes or any such fire safety regulations. Not later than ninety days following receipt of such recommendations, the department head of such state agency shall initiate the process under chapter 54 to amend or repeal

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such regulation in order to bring such regulation into compliance with the State Building Code, [or] the State Fire Safety Code, the State Fire Prevention Code or any other fire safety regulation adopted under this chapter as the case may be, unless the amendment or repeal of such regulation would result in a conflict with the applicable agency's program requirements. The Commissioner of Public Safety, in consultation with the Codes and Standards Committee, shall report such recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public safety.

Sec. 2. Section 29-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Any town, city or borough or any interested person may propose amendments to the State Building Code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, any such amendment may be restricted in application to such municipality. Each amendment to the State Building Code shall be adopted in accordance with the provisions of chapter 54.

(b) The State Building Inspector may grant variations or exemptions from, or approve equivalent or alternate compliance with, the State Building Code where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided [that] the intent of the law shall be observed and public welfare and safety be assured. Any application for a variation or exemption or equivalent or alternate compliance received by a local building official shall be forwarded to the State Building Inspector by first class mail [within] not later than fifteen business days [of] after receipt by such local building official and shall be accompanied by a letter from such local building official that shall include comments on the merits of the application. Any such

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determination by the State Building Inspector shall be in writing. Any person aggrieved by any decision of the State Building Inspector may appeal to the Codes and Standards Committee [within fourteen] not later than thirty days after mailing of the decision. Any person aggrieved by any ruling of the Codes and Standards Committee may appeal to the superior court for the judicial district wherein the premises concerned are located.

Sec. 3. Section 29-293 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The Fire Safety Code and the State Fire Prevention Code shall specify reasonable minimum requirements for fire safety in new and existing buildings and facilities.

(b) [Any] The State Fire Prevention Code shall, and any municipality may, by ordinance, require the establishment of one or more fire zones for the orderly access of fire and other emergency equipment to buildings or facilities open to the public. Any such ordinance may be in accordance with the (1) size, type of construction and nature of use or occupancy of such buildings or facilities, and (2) the fire suppression equipment and method of attack utilized by the fire department.

Sec. 4. Section 29-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) When the local fire marshal ascertains that there exists in any building, or upon any premises, (1) combustible or explosive matter, dangerous accumulation of rubbish or any flammable material especially liable to fire, that is so situated as to endanger life or property, (2) obstructions or conditions that present a fire hazard to the occupants or interfere with their egress in case of fire, or (3) a condition in violation of the statutes relating to fire prevention or safety, or any

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regulation made pursuant thereto, the remedy of which requires construction or a change in structure, the local fire marshal shall order such materials to be immediately removed or the conditions remedied by the owner or occupant of such building or premises. Any such removal or remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Any person, firm or corporation which violates any provision of this subsection shall be fined not more than one hundred dollars or be imprisoned not more than three months, or both, and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate a hazard or remedy a condition pursuant to subsection (a) of this section within a reasonable period of time as specified by the local fire marshal, such local fire marshal shall promptly notify in writing the prosecuting attorney having jurisdiction in the municipality in which such hazard exists of all the facts pertaining thereto, and such official shall promptly take such action as the facts may require, and a copy of such notification shall be forwarded promptly to the State Fire Marshal. The local fire marshal may request the chief executive officer or any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists, or the State Fire Marshal, for the purpose of closing or restricting from public service or use such place or premises until such hazard has been remedied, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant; or the State Fire Marshal, on his own initiative, may apply to such court for such injunction. When such hazard is found to exist upon premises supervised or licensed by a state department or agency, the State Fire Marshal shall promptly notify the administrator of such department or agency of his findings and shall issue orders for the elimination of such hazard.

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(c) If the local fire marshal or a local police officer determines that there exists in a building a risk of death or injury from (1) blocked, insufficient or impeded egress, (2) failure to maintain or the shutting off of any fire protection or fire warning system required by the State Fire Safety Code or State Fire Prevention Code, (3) the storage of any flammable or explosive material without a permit or in quantities in excess of any allowable limits pursuant to a permit, (4) the use of any firework or pyrotechnic device without a permit, or (5) exceeding the occupancy limit established by the State Fire Marshal or a local fire marshal, such fire marshal or police officer may issue a verbal or written order to immediately vacate the building. Such fire marshal or police officer shall notify or submit a copy of such order to the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less from the time of such order. Upon receipt of any such notification or copy, the State Fire Marshal shall review such order to vacate, and after consultation with the local fire marshal or local police officer, determine whether to uphold, modify or reverse such order, with any further conditions the State Fire Marshal deems appropriate to protect any person from injury. A violation of such order shall be subject to the penalties under section 29-295.

Sec. 5. Section 29-307 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

When any local fire marshal ascertains that there exist, in any building, structure or premises used in the carrying on of manufacturing, [including any building for which the Labor Commissioner has the power to enforce laws pertaining to the prevention of fires pursuant to section 29-390,] dangerous accumulations of rubbish or flammable materials especially liable to fire which are so situated as to endanger life or property, or

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obstructions that interfere with the egress of the occupants in case of fire, or any condition in violation of the statutes relating to fire prevention or safety in manufacturing establishments, [he] such fire marshal shall order such materials to be removed or the conditions to be remedied by the owner or occupants of such building or premises and shall promptly notify and report in writing such matters to the [Labor Commissioner on forms provided by said commissioner] appropriate state or federal agency having jurisdiction over occupational health and safety.

Sec. 6. Section 29-307a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) As used in this section:

(1) "Employer" means a person engaged in the operation of a manufacturing establishment who has employees, but does not mean the state or any political subdivision thereof; [.]

(2) "Hazardous material" means any substance or material which (A) has been identified by the federal Department of Transportation as a hazardous material in the Code of Federal Regulations, Title 49, Part 172, Subpart B, section 172.101, and (B) meets the definitional requirements of the hazard classes established for such hazardous materials in the Code of Federal Regulations, Title 49, Part 173, Subparts C to J, inclusive; and

(3) "Manufacturing establishment" means a business so designated in Sector 31, 32 or 33 of the North American Industry Classification System.

(b) Each employer who uses, keeps, stores or produces any hazardous material in his manufacturing establishment shall, within thirty days, provide the local fire marshal for the area where the establishment is located with notice, in writing, of the presence or

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elimination of any hazardous material in his establishment. The notification shall include, but not be limited to, the following: The name of the hazardous material, its federal Department of Transportation identification number and designated hazard class, the maximum inventory quantity on site, the units of measure and the location in the establishment where it can normally be found. Any employer who fails to provide notice as required by this subsection shall be assessed a civil penalty of not more than one thousand dollars for each day such employer fails to provide such notice. The Attorney General, upon complaint of the local fire marshal, shall institute a civil action to recover such penalty. Any moneys collected in accordance with this section shall be deposited in the General Fund.

(c) Upon receipt of any notification required under the provisions of subsection (b) of this section, the local fire marshal shall distribute the information contained in such notice to the persons providing fire protection in each town, city or borough under his jurisdiction. Such information shall be in such form and distributed in such manner as the State Fire Marshal shall require. The local fire marshal shall provide a complete copy of any information submitted pursuant to subsection (b) of this section, upon written request, to the health director of the municipality in which the establishment is located. Notwithstanding the provisions of section 1-210, the local fire marshal, any firefighter, a municipal health director or any water company shall maintain the confidentiality of and not disclose such information to any person. Any local fire marshal, firefighter, municipal health director or any water company found to have disclosed such information in violation of this subsection shall have committed an infraction.

Sec. 7. Section 29-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) The Commissioner of Public Safety shall [make] adopt

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regulations in accordance with the provisions of chapter 54, prescribing reasonable minimum requirements for the installation of oil burners and equipment used in connection therewith, including tanks, piping, pumps, control devices and accessories. [In adopting such regulations, the commissioner may adopt by reference standards concerning the installation of oil burners and equipment as set forth by the National Fire Protection Association] Such regulations shall be incorporated into the State Fire Prevention Code and shall include provisions for the prevention of injury to life and damage to property, and protection from hazards incident to the installation and operation of such oil burners and equipment.

(b) No regulation made in accordance with this section shall [be inconsistent with the provisions of section 29-316, nor apply to premises used for manufacturing nor to public service companies as] apply to any electric company, gas company or electric distribution company as such terms are defined in section 16-1. [, nor impair the rights of municipalities to enact ordinances and make rules and regulations for the installation of oil burners and equipment so far as such ordinances, rules and regulations specify requirements equal to, additional to or more stringent than the regulations issued under the authority of this section.]

[(c) The Commissioner of Public Safety may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the commissioner, secure the public safety and shall be made in writing.

(d) Any person aggrieved by any such regulation or by any act of said commissioner in enforcing the same may apply for relief to the

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superior court for the judicial district of Hartford or for the judicial district in which such oil burner or equipment is located or, if said court is not in session, to any judge thereof, who may grant appropriate relief.

(e) Any person who, by himself or his employee or agent, or as the employee or agent of another, violates or fails to comply with any regulation promulgated under this section shall be fined not more than one hundred dollars or imprisoned not more than six months or both.]

Sec. 8. Section 29-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

The Commissioner of Public Safety shall [make] adopt and enforce, and may amend, reasonable regulations in accordance with the provisions of chapter 54, concerning the safe storage, use, transportation by any mode and transmission by pipeline of flammable or combustible liquids. [In adopting such regulations, said commissioner may adopt by reference standards concerning flammable or combustible liquids as set forth by the National Fire Protection Association] Such regulations shall be incorporated into the State Fire Prevention Code and shall include provisions for the prevention of damage to property and injury to life, and protection from hazards incident to the storage, use, transportation by any mode and transmission by pipeline of such liquids. Such regulations shall not apply to any electric company, electric distribution [and gas companies, as] company or gas company, as such terms are defined in section 16-1.

Sec. 9. Section 29-322 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) No person shall operate, and no owner shall permit the operation of, a cargo tank motor vehicle, as defined in the Code of

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Federal Regulations Title 49, Section 171.8, as amended from time to time, used for the transportation of flammable or combustible liquids, liquefied petroleum gas, liquefied natural gas or hazardous chemicals until such vehicle has been inspected [in accordance with the provisions of this section] if such inspection is required pursuant to subsection (b) of this section.

(b) [Each] Any city, town or borough may, by ordinance, require the local fire marshal [shall] to inspect once each year, and more often if necessary, all [tanks and] cargo tank motor vehicles registered with the Commissioner of Motor Vehicles and located in [his] such fire marshal's jurisdiction and used for the storage or transportation of flammable or combustible liquids, [and shall promptly report to the Commissioner of Public Safety each definite hazard so found. All such inspections shall be made in accordance with the regulations provided for in section 29-320. The local fire marshal of the city, town or borough in which the vehicle is registered by the Commissioner of Motor Vehicles shall issue for each vehicle inspected and approved a certificate furnished by the Commissioner of Public Safety which shall be carried in the vehicle and kept with the certificate of registration for such vehicle at all times] liquefied petroleum gas, liquefied natural gas or hazardous chemicals. No city, town or borough, other than the one in which the vehicle is registered by the Commissioner of Motor Vehicles, shall require any further inspection or cause any further inspection to be made, or exact any license fees for such inspection, or exact any license fees for the transportation of flammable or combustible liquids, liquefied petroleum gas, liquefied natural gas or hazardous chemicals into or out of such city, town or borough.

Sec. 10. Section 29-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

Any person aggrieved by any [such regulation] ordinance adopted pursuant to section 29-322, as amended by this act, or any act of [said

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commissioner] a local fire marshal in enforcing [the same] any such ordinance may apply for relief to the superior court for the judicial district of Hartford or for the judicial district in which [such plant or equipment is located] the cargo tank motor vehicle is registered, or, if said court is not in session, to any judge thereof, who may grant appropriate relief.

Sec. 11. Section 29-324 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

Any person who, by himself or his employee or agent, or as the employee or agent of another, [violates any regulation promulgated under section 29-320, or who] operates or permits the operation of a motor vehicle in violation of section 29-322, as amended by this act, shall be fined not more than five hundred dollars or imprisoned not more than six months or both for the first offense, and not less than five hundred dollars nor more than one thousand dollars or imprisoned not more than one year or both for each subsequent offense. If death or injury results from any such violation, the fine shall be not more than ten thousand dollars and the period of imprisonment not more than ten years or both.

Sec. 12. Section 29-329 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) The State Fire Marshal shall [make] adopt regulations, in accordance with the provisions of chapter 54, prescribing reasonable minimum requirements for the installation and operation of gas equipment and gas piping. [In the writing of such regulations said fire marshal may adopt by reference standards concerning gas equipment and piping installation as set forth by the National Fire Protection Association] Such regulations shall be incorporated into the State Fire Prevention Code and shall include provisions for the prevention of injury to life and damage to property and protection from hazards

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incident to the installation and operation of such gas equipment and piping.

(b) No regulation [~~made~~] adopted in accordance with this section shall apply to [~~premises used for manufacturing or to public service companies, as~~] any electric company, gas company or electric distribution company, as such terms are defined in section 16-1. [, nor shall any such regulation impair the rights of municipalities to enact ordinances and make rules and regulations for the installation of gas equipment and gas piping so far as such ordinances, rules and regulations specify requirements equal or additional to or more stringent than the regulations issued under the authority of this section.]

[(c) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety and shall be made in writing.

(d) Any person aggrieved by any such regulation or by any act of said Fire Marshal in enforcing the same may apply for relief to the superior court for the judicial district of Hartford or for the judicial district in which such gas equipment or gas piping is located or, if said court is not in session, to any judge thereof, who may grant appropriate relief.

(e) Any person who, by himself or his employee or agent or as the employee or agent of another, violates or fails to comply with any regulation adopted under this section shall be fined not more than one hundred dollars or imprisoned not more than six months or both.]

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Sec. 13. Section 29-330 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

The term "liquefied petroleum gas", as used in [sections 29-331 and 29-332] this chapter, means and includes any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butane, normal or isobutane and butylene. The term "liquefied natural gas", as used in [sections 29-331 and 29-332] this chapter, means a fluid in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen or other components normally found in natural gas.

Sec. 14. Section 29-331 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

The Commissioner of Public Safety shall [make] adopt reasonable regulations, in accordance with the provisions of chapter 54, concerning the safe storage, use, transportation by any mode and transmission by pipeline of liquefied petroleum gas. Regulations concerning safe storage shall specify standards to ensure maximum security against unauthorized entry into storage areas where liquefied petroleum gas or liquefied natural gas is stored. [In adopting such regulations, said commissioner may adopt by reference standards concerning liquefied petroleum gas as set forth by the National Fire Protection Association] Such regulations shall be incorporated into the State Fire Prevention Code and shall include provisions for the prevention of damage to property and injury to life, and protection from hazards incident to the storage, use, transportation by any mode and transmission by pipeline of such gas, with particular reference to the design, construction, location and operation of liquefied petroleum gas installations. Such regulations shall not apply to any electric company, electric distribution [and gas companies as] company or gas company as such terms are defined in section 16-1.

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Sec. 15. Section 29-337 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

The Commissioner of Public Safety shall [make] adopt reasonable regulations in accordance with the provisions of chapter 54 concerning the safe storage, transportation by any mode and transmission by pipeline of hazardous chemicals. [In adopting such regulations, said commissioner] Such regulations shall be incorporated into the State Fire Prevention Code and may adopt by reference standards as set forth in the Code of Federal Regulations Title 49, Parts 100 through 199, as amended, [and standards concerning hazardous chemicals as set forth by the National Fire Protection Association] and include provisions for the prevention of damage to property and injury to life, and protection from hazards incident to the storage, transportation by any mode and transmission by pipeline of such chemicals.

Sec. 16. Section 29-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

"Explosive", as used in sections [29-344 to 29-349, inclusive] this chapter, means any chemical compound or any mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous objects, but not including colloided nitrocellulose in sheets or rods or grains not under one-eighth of an inch in diameter, wet nitrocellulose containing twenty per cent or more moisture and wet nitrostarch containing twenty per cent or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units to the injury of

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life, limb or property by fire, friction, concussion, percussion or detonator, including fixed ammunition for small arms, firecrackers, safety fuses and matches. "Explosive", as used in [said sections] this chapter, shall not be deemed to include gasoline, kerosene, naphtha, turpentine or benzine.

Sec. 17. Section 29-357 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) Except as provided in subsection (b) of this section, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent to sell, use or explode any fireworks. A person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use sparklers or fountains of not more than one hundred grams of pyrotechnic mixture per item, which are nonexplosive and nonaerial, provided (1) such sparklers and fountains do not contain magnesium, except for magnalium or magnesium-aluminum alloy, (2) such sparklers and fountains containing any chlorate or perchlorate salts do not exceed five grams of composition per item, and (3) when more than one fountain is mounted on a common base, the total pyrotechnic composition does not exceed two hundred grams.

(b) The State Fire Marshal shall adopt reasonable regulations, in accordance with chapter 54, for the granting of permits for supervised displays of fireworks or for the indoor use of pyrotechnics, sparklers and fountains for special effects by municipalities, fair associations, amusement parks, other organizations or groups of individuals or artisans in pursuit of their trade. Such permit may be issued upon application to said State Fire Marshal and after (1) inspection of the site of such display or use by the local fire marshal to determine compliance with the requirements of such regulations, and (2) approval of the chiefs of the police and fire departments, or, if there is no police or fire department, of the first selectman, of the municipality

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wherein the display is to be held as is provided in this section. [, and (3) the filing of a bond by the applicant as provided in section 29-358.] No such display shall be handled or fired by any person until such person has been granted a certificate of competency by the State Fire Marshal, in respect to which a fee of one hundred dollars shall be payable to the State Treasurer when issued and which may be renewed every three years upon payment of a fee of one hundred fifty dollars to the State Treasurer, provided such certificate may be suspended or revoked by said marshal at any time for cause. Such certificate of competency shall attest to the fact that such operator is competent to fire a display. Such display shall be of such a character and so located, discharged or fired as in the opinion of the chiefs of the police and fire departments or such selectman, after proper inspection, will not be hazardous to property or endanger any person or persons. In an aerial bomb, no salute, report or maroon may be used that is composed of a formula of chlorate of potash, sulphur, black needle antimony and dark aluminum. Formulas that may be used in a salute, report or maroon are as follows: (A) Perchlorate of potash, black needle antimony and dark aluminum, and (B) perchlorate of potash, dark aluminum and sulphur. No high explosive such as dynamite, fulminate of mercury or other stimulator for detonating shall be used in any aerial bomb or other pyrotechnics. Application for permits shall be made in writing at least fifteen days prior to the date of display, on such notice as the State Fire Marshal by regulation prescribes, on forms furnished by [him] the State Fire Marshal, and a fee of fifty dollars shall be payable to the State Treasurer with each such application. After such permit has been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Any permit issued under the provisions of this section may be suspended or revoked by the State Fire Marshal or the local fire marshal for violation by the permittee of any provision of the general statutes, any regulation or any ordinance relating to fireworks.

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(c) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of subsection (b) of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety and shall be made in writing.

(d) Any person, firm or corporation violating the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

Sec. 18. Section 29-367 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) The Commissioner of Public Safety shall [make] adopt and enforce, and may amend, reasonable regulations in accordance with the provisions of chapter 54, concerning the safe design, construction, manufacture, testing, certification, storage, sale, shipping, operation and launching of rockets propelled by rocket motors, including, but not limited to, solid, liquid and cold propellant, hybrid, steam or pressurized liquid rocket motors. [In adopting such regulations, said

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commissioner may be guided by recognized national standards] Such regulations shall be incorporated into the State Fire Prevention Code and include provisions for the prevention of injury to life and damage to property and protection of hazards incident to the design, construction, manufacture, testing, storage, sale, shipping, operation and launching of such rockets.

(b) Such regulations shall not apply to (1) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with a rocket or rocket motor when carried on by or engaged in by the government of the United States or any state government, any college, university or other institution of higher learning, any individual, firm, partnership, joint venture, corporation, or other business entity engaged in research, development, production, test, maintenance, or supply of rockets, rocket motors, rocket propellants, or rocket components as a business under contract to or for the purposes of sale to any government, college, university, institution of higher learning, or other similarly engaged business entity; or (2) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with rocket-propelled model aircraft which sustain themselves against gravity by aerodynamic lifting surfaces during the entire duration of their flight in the air, or to the rocket motors that provide propulsion therefor.

Sec. 19. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,

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subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-

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280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, [29-341,] 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 20. Section 19a-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

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(a) For the purposes of sections 19a-343 to 19a-343h, inclusive, as amended by this act, a person creates or maintains a public nuisance if such person erects, establishes, maintains, uses, owns or leases any real property or portion thereof for any of the purposes enumerated in subdivisions (1) to (11), inclusive, of subsection (c) of this section.

(b) The state has the exclusive right to bring an action to abate a public nuisance under this section and sections 19a-343a to 19a-343h, inclusive, involving any real property or portion thereof, commercial or residential, including single or multifamily dwellings, provided there have been three or more arrests, or the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents, for conduct on the property documented by a law enforcement officer for any of the offenses enumerated in subdivisions (1) to (11), inclusive, of subsection (c) of this section within the three hundred sixty-five days preceding commencement of the action.

(c) Three or more arrests, or the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents, for the following offenses shall constitute the basis for bringing an action to abate a public nuisance:

(1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88 or 53a-89.

(2) Promoting an obscene performance or obscene material under section 53a-196 or 53a-196b, employing a minor in an obscene performance under section 53a-196a, importing child pornography under section 53a-196c, possessing child pornography in the first degree under section 53a-196d, possessing child pornography in the second degree under section 53a-196e or possessing child pornography in the third degree under section 53a-196f.

(3) Transmission of gambling information under section 53-278b or

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53-278d or maintaining of a gambling premises under section 53-278e.

(4) Offenses for the sale of controlled substances, possession of controlled substances with intent to sell, or maintaining a drug factory under section 21a-277, 21a-278 or 21a-278a or use of the property by persons possessing controlled substances under section 21a-279. Nothing in this section shall prevent the state from also proceeding against property under section 21a-259 or 54-36h.

(5) Unauthorized sale of alcoholic liquor under section 30-74 or disposing of liquor without a permit under section 30-77.

(6) Violations of the inciting injury to persons or property law under section 53a-179a.

(7) Maintaining a motor vehicle chop shop under section 14-149a.

(8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55, 53a-56 or 53a-56a.

(9) Assault under section 53a-59, 53a-59a, subdivision (1) of subsection (a) of section 53a-60 or section 53a-60a.

(10) Sexual assault under section 53a-70 or 53a-70a.

(11) Fire safety violations under section 29-292, subsection (b) of section 29-310, or section 29-315, [29-317,] 29-320, as amended by this act, [29-325,] 29-329, as amended by this act, 29-337, as amended by this act, 29-349 or 29-357, as amended by this act.

Sec. 21. Subsection (e) of section 14-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(e) In addition, the provisions of subsection (b) of this section shall apply to sections 29-322, as amended by this act, [29-332, 29-339,] 29-

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349 and 29-351.

Sec. 22. Subsection (a) of section 51-344a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) Whenever the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in the following sections of the general statutes, it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g, 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375, 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-161z, [29-317,] 29-323, as amended by this act, [29-329, 29-334, 29-340, 29-369,] 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134,

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38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

Sec. 23. Section 22a-448 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

For the purposes of sections 22a-133a to 22a-133j, inclusive, sections 22a-448 to 22a-454, inclusive, and section 22a-457a:

(1) "Chemical liquids" means any chemical, chemical solution or chemical mixture in liquid form;

(2) "Emergency" means any situation which requires state or local efforts to save lives and protect property and public health or safety or to avert or lessen the threat of disaster;

(3) "Hazardous waste" means any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.);

(4) "Oil or petroleum" means oil or petroleum of any kind or in any form including, but not limited to, waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene, or their vapors;

(5) "Solid, liquid or gaseous products" means any substance or material including but not limited to hazardous chemicals, [as defined in section 29-336,] flammable liquids, as defined in section 29-320, as amended by this act, explosives as defined in section 29-343, as

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amended by this act, liquefied petroleum gas, as defined in section 43-36, hazardous materials designated in accordance with the Hazardous Materials Transportation Act (49 USC 1801 et seq.) and hazardous substances designated in accordance with Section 311 of the federal Water Pollution Control Act;

(6) "Waste oil" means oil having a flash point at or above one hundred forty degrees Fahrenheit (sixty degrees Centigrade) which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including but not limited to crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

(7) "Floating boom retention device" means a floating containment barrier used to contain floating oil or petroleum;

(8) "Hazardous chemicals" means (A) any materials that are highly flammable or that may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability or liability to explosion render fire fighting abnormally dangerous or difficult; (B) flammable liquids that are chemically unstable and that may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence, or with sufficient evolution of heat to be a fire hazard; or (C) such materials as compressed gases, liquefied gases, flammable solids, corrosive liquids, oxidizing materials, potentially explosive chemicals, highly toxic materials and poisonous gases;

(9) "Compressed gas" means any mixture or material having in the container either an absolute pressure exceeding forty pounds per square inch at seventy degrees Fahrenheit, or an absolute pressure exceeding one hundred four pounds per square inch at one hundred

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thirty degrees Fahrenheit, or both, or any liquid flammable material having a vapor pressure exceeding forty pounds per square inch at one hundred degrees Fahrenheit;

(10) "Corrosive liquids" means those acids, alkaline caustic liquids and other corrosive liquids that, when in contact with living tissue, will cause severe damage of such tissue by chemical action or are liable to cause fire when in contact with organic matter or with certain chemicals;

(11) "Flammable solid" means a solid substance, other than one classified as an explosive, that is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes or as a result of retained heat from manufacturing or processing;

(12) "Highly toxic materials" means materials so toxic to man as to afford an unusual hazard to life and health during firefighting operations, including parathion, malathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate), and similar insecticides and pesticides;

(13) "Oxidizing materials" means substances such as chlorates, permanganates, peroxides or nitrates, that yield oxygen readily to stimulate combustion;

(14) "Poisonous gas" means and includes any noxious gas of such nature that a small amount of the gas when mixed with air is dangerous to life, including chlorpicrin, cyanogen, hydrogen cyanide, nitrogen peroxide and phosgene;

(15) "Potentially explosive chemical" means any chemical substance, other than one classified as an explosive, which can be exploded by heat or shock when it is unconfined and unmixed with air or other materials; and

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(16) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid as determined by the nationally recognized good practice known as the Reid method.

Sec. 24. Section 29-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

Any person, firm or corporation violating the provisions of sections [29-358] 29-359 to 29-365, inclusive, shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned.

Sec. 25. Sections 29-316, 29-321, 29-325 to 29-328, inclusive, 29-332 to 29-335, inclusive, 29-336, 29-338 to 29-341, inclusive, 29-358 and 29-368 to 29-370, inclusive, of the general statutes are repealed. (*Effective January 1, 2011*)

Approved June 29, 2009